

## Message Text

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INFO OCT-01 EA-07 ISO-00 JUSE-00 SNM-02 DEAE-00 SCA-01

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DRAFTED BY L/SFP:LGFIELDS,JR:NMC

APPROVED BY L/SFP:LGFIELDS,JR.

JUSTICE: MR. JAS. MCLAUGHLIN

L/EA - MRS. E. VERVILLE

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FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK IMMEDIATE

C O N F I D E N T I A L STATE 251060

E.O. 11652: N/A

TAGS: SNAR, TB

SUBJECT: KRUEGER AND GENARI DEPOSITIONS

REFS: (A) STATE 225867, (B) FIELDS-MASTERS TELCON SEPT.

3/75, (C) MASTERS-FIELDS LETTER SEPT. 12/75.

1. ASSISTANT LEGAL ADVISER FIELDS ADVISED TODAY BY DEPT OF JUSTICE THAT DEFENSE MOTIONS WILL BE FILED SEEKING TO PREVENT TAKING OF DEPOSITIONS FROM KRUEGER AND GENARI. THESE MOTIONS WILL BE BASED UPON ISSUE OF NON-AVAILABILITY AS REQUIRED BY U.S. JUDICIAL LAW AND PRACTICE. DEFENSE WILL CONTEND THAT NO OFFICIAL U.S. CONTACT HAS BEEN MADE TO RTG TO OBTAIN CUSTODY OF KRUEGER AND GENARI AND THEREFORE THERE IS NO OFFICIAL BASIS TO INDICATE NON-AVAILABILITY. IF EMBASSY HAS MADE PREVIOUS OFFICIAL OR INFORMAL REQUEST OF RTG TO OBTAIN CUSTODY OF KRUEGER AND GENARI FOR U.S. PROSECUTION OF THEM FOR VIOLATION OF U.S. NARCOTICS LAWS, PLEASE REPLY BY IMMEDIATE CABLE. IF NOT, NEGATIVE REPORT ALSO DESIRED.

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2. AUSA KENNEY REQUESTED DEPT TO INQUIRE AS TO

POSSIBILITY OF U.S. TRIAL JUDGE PARTICIPATION IN TAKING OF DEPOSITIONS. IT SHOULD BE POINTED OUT THAT THE JUDGE'S ROLE WOULD BE MERELY RELATED TO RULING ON QUESTIONS OF ADMISSIBILITY OF EVIDENCE TAKEN FROM KRUEGER AND GENARI. JUDGE WOULD NOT BE TRYING THESE INDIVIDUALS OR EVEN, AT THAT STAGE, TRYING THE U.S. DEFENDANTS BEFORE HIS COURT IN THE UNITED STATES. (FYI: AT THE TIME OF TAKING OF DEPOSITIONS THERE WOULD NOT HAVE BEEN A JURY ENPANELLED IN THE U.S. ACTION AGAINST U.S. DEFENDANTS WHO WOULD MOST LIKELY BE PRESENT FOR THE TAKING OF DEPOSITIONS TOGETHER WITH THEIR COUNSEL. THUS, THERE COULD BE NO SUGGESTIONS THAT THE PROCEEDING ENVISIONED IN THAILAND COULD BE CONSIDERED AS A TRIAL, WHICH COULD INDUCE THAI CONCERN. END FYI) THE PROCEEDING ENVISIONED IN WHICH U.S. JUDGE WOULD SERVE AS ADVISER WOULD BE MORE IN NATURE OF LETTERS ROGATORY PROCESS THAN TO A CONDUCT OF A JUDICIAL PROCEEDING. AS PREVIOUSLY STATED THE JUDGE'S ROLE WOULD MERELY BE RELEGATED TO RULING ON ADMISSIBILITY OF EVIDENCE AND TO EXPEDITE THE TAKING OF DEPOSITIONS INASMUCH AS HE COULD RULE UPON ISSUES OF LATITUDES IN DEFENSE QUESTIONING OF KRUEGER AND GENARI AND OTHERWISE CURTAIL ANY DILATORY PRACTICES WHICH DEFENSE COUNSEL MIGHT SEEK TO INITIATE. DEPT WILL APPRECIATE ADVICE SOONEST ON THAI REACTION TO THIS REVISED PROCEDURE WITH RESPECT TO TAKING DEPOSITIONS OF KRUEGER AND GENARI.

3. DEPT UNDERSTANDS THAT KRUEGER AND GENARI ARE BEING TRIED IN THAILAND TODAY AND DEPT WOULD APPRECIATE ADVICE ON DEPOSITION OF THAI PROCEEDING BY IMMEDIATE CABLE WHEN INFORMATION IS AVAILABLE TO EMBASSY. OBVIOUSLY RELEASE OF EITHER OF THESE TWO PARTIES WOULD AFFECT U.S. INTERESTS AND OUR REQUEST FOR DEPOSITIONS.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Subject:** KRUEGER AND GENARI DEPOSITIONS  
**TAGS:** SNAR, TH, (KRUEGER), (GENARI)  
**To:** BANGKOK  
**Type:** TE  
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